

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 00-204
Table of Allotments,	)	RM-9983
FM Broadcast Stations.	)	
(Blairsville, Georgia)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: January 24, 2001**

**Released: February 2, 2001**

By the Chief, Allocations Branch:

1. At the request of M. Terry Carter and Douglas Sutton, Jr., d/b/a Tugart Communications ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 20229 (2000), proposing the allotment of Channel 236A to Blairsville, Georgia, as the community's first local aural service. Comments were filed by the petitioner reiterating its intention to apply for the channel, and by Cox Radio, Inc. ("Cox"). Reply comments were filed by the petitioner withdrawing its intention to apply for the channel. No other party filed comments expressing an intention to apply for the proposed channel.

2. Cox states that Channel 236A cannot be allotted to Blairsville in compliance with Section 73.315(b) of the Commission's Rules because the Gumlog and Ivylog Mountains are located between the proposed Channel 236A reference site and the community. Because of these major obstructions, Cox submits that a tower with a radiation center of 2,400 feet above ground level would be required to provide Blairsville with the required 70 dBu line-of-sight service but that the Federal Aviation Administration ("FAA") would not approve a tower of such height. In response, withdraws its expression of interest in the allotment, stating that it was not aware of the line-of-sight problem when it filed the petition and the allotment would therefore not be in the public interest.<sup>1</sup>

3. Accordingly, based on the above discussion, IT IS ORDERED, that the petition for rule making filed by Tugart Communications to allot Channel 236A to Blairsville, Georgia (RM-9983) IS DISMISSED.

4. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

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<sup>1</sup> In compliance with Section 1.420(j) of the Commission's Rules, petitioner submits a certification that neither the petitioner nor any of its principals has received or will receive any money or other consideration for the withdrawal of its expression of interest.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau